

REMARKS

Prior to entry of this paper, Claims 1-30 were pending. Claim 1-5 and 8-30 were rejected. Claims 6 and 7 were objected to, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. In this paper, Claims 1, 7, 12, 15-16, 24, and 28 are amended; claim 6 is cancelled; and no claims are added. Claims 1-5 and 7-30 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, Applicants respectfully submit that each of the presently pending claims is in condition for allowance.

Allowable Subject Matter

Claims 6 and 7 were objected to as being dependent upon a rejected base claim. However, the Office Action indicates that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, the Applicants have amended independent claims 1, 12, 16, and 24 to incorporate the allowable subject matter of claim 6. Thus, for example, includes, forwarding the received packet to a first traffic manager that is selected based on at least a first field in the received packet, wherein the forwarding the received packet further comprises hashing the first field in the received packet to obtain a hash key and employing the hash key to select the first traffic manager to which the packet is forwarded. Similarly, independent claim 12 is amended to recite, in part, determining a target traffic manager ...by hashing at least the first field in the received packet to obtain a hash key and employing the hash key to select the target traffic manager. Independent claims 16 and 24, also now include the allowable subject matter of claim 6, notably, that of hashing the first field to obtain a hash key and employing the hash key to select the first traffic manager. Thus, because each of the independent claims include the allowable subject matter from claim 6, the Applicants submit that each of the amended independent claims are now allowable, and respectfully request that they be allowed to issue.

Claim Rejections – 35 USC §102

Claims 1-5 and 8-30 are rejected under 35 USC 102(e) as being anticipated by Albert et al., U.S. Patent No. 6,742,045 (hereinafter Albert). Although, the Applicants respectfully submit that the pending claims – un-amended would be allowable over Albert, for expediency, the Applicants have elected to amend the claims as described above.

Applicants submit, for example, that Albert fails to teach or suggest that the first traffic manager is the same as the second traffic manager when the received packet of the first packet type corresponds to the received packet of the second packet type, as received in at least claim 1. In the instance described in dependent claim 3, the first packet type and the second packet type are a first direction and a second direction, respectively. Thus, the packets may be traveling through the apparatus of claim 1 from different directions and not from the same sending device (a client or a server). In such as situation, Albert does not concern itself with which forwarding agent manages the different packet types. Instead, Albert allows for either forwarding agent of at least its figures 2A, 4, or 5 to receive and to manage packets. See Albert, Col. 9, lines 3-7, indicating that “this contradicts the conventional wisdom regarding the restriction that all traffic inbound for a server cluster must pass through a single load-balancing engine.” See also, Albert, Col. 13, lines 53-57, indicating that “[p]ackets from the clients may be routed through either forwarding agent 410 or forwarding agent 412. In fact, packets corresponding to the same connection or flow may be routed at different times through different forwarding agents.” Thus, Albert fails to teach or suggest at least this limitation.

